

REMARKS

The pending final Office Action addresses claims 1-37 and 39, however claims 7, 14, 30, and 35 are withdrawn from consideration. Claims 1-6, 8-11, 13, 15-29, 31-34, 36, 37, and 39 stand rejected, and claim 12 is objected to.

Rejections Pursuant to 35 U.S.C. §102

Claims 1-6, 8-11, 15-29, 31, 32, 34, 37, and 39 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by French Patent No. 2,816,195 of Taylor.

At the outset, Applicants note that the previous Examiner admitted in an Office Action dated August 24, 2007 that Taylor fails to teach first and second central portions that are longitudinally slidably matable to one another, as required by independent claim 1. Independent claim 37 similarly recites first and second elongate members longitudinally slidably matable to one another. Thus, an admission has already been made by the Patent Office that the pending rejection is deficient because in order to anticipate a claim a reference must teach each and every element of the claim, and therefore withdrawal of this rejection is respectfully requested.

Taylor is directed to a cross-piece that includes parts (5, 6) that are designed to pivot with respect to one another using a ball and socket joint created between a head (7) and an end (10) that receives the head (7). The head (7) is received by the end (10) and allows for multidirectional movement within the end (10) while also being retained therein. Thus, while the head (7) can pivot relative to the end (10), it is also retained within the end (10), which prevents slidable movement between the parts (5, 6). Taylor does not teach or even suggest any longitudinal slidable movement between the head (7) and the end (10) or between the parts (5, 6).

Applicants further note that it would not even be obvious to make the device of Taylor slidable because the stated purpose of Taylor's invention is to provide "a ball and socket joint enabling multidirectional movement of one part of the cross-piece in relation to the other. The cross-piece according to the invention is thus able to accommodate all likely situations, in particular orientations of

the shoring rods in different planes.” (Paragraph 0014 of Taylor). In fact, Taylor specifically addresses the disadvantages of having two parts that can only pivot in one plane. Not only does the device of Taylor fail to teach that the parts (5, 6) are longitudinally slidably matable to one another, Taylor describes this as a drawback of other devices which is why the device specifically includes a pivot with a ball and socket joint. In paragraphs 0003 and 0004, Taylor states that:

These cross-pieces in some cases consist of simple one-piece members, linked to the support rods with an appropriate attachment member. The one-piece members are inconvenient in that they cannot adapt to all situations, in particular not being able to accommodate all the different possible positions of the shoring rods. Especially, the separation between the support rods may vary from one place to another, or the support rods may be oriented in different planes.

Two-part cross-pieces have been developed that can pivot in one plane in relation to each other. However these cross-pieces only partially remedy the above mentioned problems.

Thus, Taylor specifically addresses the disadvantages of a device having two parts that can only pivot in one plane, as opposed to the multidirectional movement that Taylor provides for between the parts (5, 6).

Accordingly, claims 1 and 37, as well as claims 2-6, 8-11, 15-29, 31, 32, 34, and 39 which depend therefrom, distinguish over Taylor.

Rejections Pursuant to 35 U.S.C. §103

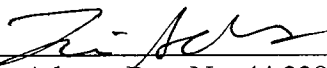
Claims 13 and 33 are rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over French Patent No. 2,816,195 of Taylor. As discussed above, independent claim 1 distinguishes over Taylor. Thus, claims 13 and 33 are allowable at least because they depend from allowable claim 1.

Conclusion

Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

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